



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA**

ERIC PATRICK, *a/k/a Eric Lee Charles  
Patrick*

vs.

EVANS CORR. INST., and WARDEN  
ROBERT WARD,  
Defendants.

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CIVIL ACTION NO. 9:21-4102-MGL

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**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
AND DISMISSING THIS ACTION WITHOUT PREJUDICE  
IN ACCORDANCE WITH FED. R. CIV. P. 41**

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Plaintiff filed this 42 U.S.C. § 1983 action against the above-referenced Defendants. The matter is before the Court for review of the Report and Recommendation of the United States Magistrate Judge suggesting to the Court that this action be dismissed without prejudice in accordance with Fed. R. Civ. P. 41. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on March 31, 2022, but Plaintiff failed to file any objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

Therefore, after a thorough review of the Report and the record in this case pursuant to the standards set forth above, the Court, adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court this action is **DISMISSED WITHOUT PREJUDICE** in accordance with Fed. R. Civ. P. 41.

**IT IS SO ORDERED.**

Signed this 2nd day of May, 2022, in Columbia, South Carolina.

s/ Mary Geiger Lewis  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to the Federal Rules of Appellate Procedure.